

**REMARKS**

By this amendment, Applicants amend claims 1 and 2 to more clearly define the features of those claims.

Claims 1-8, 10-12, and 14-26 are pending.

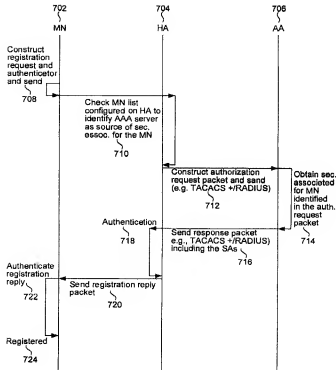
The Examiner rejected claims 1-8, 10-12, and 14-26 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,760,444 to Leung et al. (Leung) in view of U.S. Patent Publication No. 20020157024 to Yokote. **Applicants respectfully traverse this rejection.**

The key consideration in a proper rejection under 35 U.S.C. 103(a) is not whether the pending claims can be used as a “shopping list” for searching of the prior art for descriptions of features for assembly in a manner that is allegedly similar to the claimed subject matter, but rather whether the prior art references, each taken in their entirety for all that they would reasonably teach to one of ordinary skill in the art at the time of the instant invention, would have rendered the instantly claimed subject matter unpatentably obvious. Unfortunately, the rejections proffered by the Office in this matter have emphasized the first approach in assembling piecemeal elements from several references to create an alleged basis for *prima facie* obviousness while failing to properly consider whether the cited references, when taken as a whole, properly suggest the instantly claimed subject matter in a manner that would have caused one of ordinary skill in the art at the time of the present invention to have deemed it obvious.

On page 3 of the Office Action, the Examiner alleges that Leung's home agent constitutes the claimed “service device.” This allegation clearly shows that the Examiner has improperly and unfairly interpreted Leung and, more troubling, ignored the express language of claim 1. Specifically, the claimed “service device” recited in claim 1 includes “a management server configured to receive said security association management requests issued from said at

least one management client and to respond, in connection with said internet protocol security service unit, to said security association management requests received at said management server, *said management server, deployed in said service device, and configured to create, manage, and delete the security associations*" emphasis added). But it is indisputable that Leung's home agent lacks any capability to create, manage, and delete security associations. Indeed, the principle of operation of Leung relies not on a home agent but rather on a "centralized repository," such as AAA 602 to store and provide security associations. Leung at col. 7, lines 18-26.

The Examiner apparently alleges that Leung's AAA server 602 constitutes the "application device" recited in claim 1. Applicants disagree for at least the reason that the claimed "application device" further includes "at least one management client configured to issue, in response to communication received at said application device from a user equipment via a session key management protocol, security association management requests to create and manage, with said session key management protocol, security associations for use by said provided internet protocol security services, said at least one management client deployed in said application device," and the AAA server 602 of Leung clearly does not receive anything, much less a "communication" from the user equipment as depicted below in FIG. 7.



**FIG. 7**

On page 4, the Examiner recognizes the shortcomings of Leung, and relies on Yokote at paragraph 0012, stating:

Leung does not explicitly teach security association management requests to create and manage, with said session key management protocol, security associations for use by said provided internet protocol security services, said at least one management client deployed in said application device ; however in a relevant art Yokote teach create and manage (two types of request) receives with IPSec (Yokote, ¶0012).

Office Action at page 4. But a careful scrutiny of paragraph 0012 of Yokote discloses that it merely discloses IPSec and security associations rather than what the Examiner alleges. Indeed, the Examiner allegations are pure whole cloth, and thus a clear error. Accordingly, Yokote fails to cure the noted deficiencies of Leung.

In view of the foregoing, claim 1, as well as claims 2-8, at least by reason of their

dependency, are allowable over Leung and Yokote, whether taken individually, or in combination, and the rejection under 35 U.S.C. §103(a) of claims 1-8 should be withdrawn.

Independent claims 10, 14, 16, 18, 21, 22, 23, 24, 25, and 26, although of different scope, include features similar to those noted above with respect to claim 1. Therefore, claims 10, 14, 18, 21, 22, 23, 24, 25, and 26, as well as claims 11, 12, 15, 17, 19, and 20, at least by reason of their dependency, are allowable over Leung and Yokote, whether taken individually or in combination, and their rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding claim 6 (which depends from claim 2), the Examiner admits that the cited references fails to disclose the following feature: “wherein said interface is implemented as a software library linked dynamically or statistically into a corresponding management client.” Applicants disagree with the Examiner’s statements on page 7 of the Office Action and the corresponding taking of Official Notice on page 7 of the Office Action. Thus, Applicants request evidence, such as an affidavit, as required by MPEP 2144.03. Absent such support, the rejection of claim 6 under 35 U.S.C. §103(a) should be withdrawn.

Regarding dependent claim 7, the Examiner admits that the cited references fails to disclose the following feature: “wherein said internet protocol security service unit and said management server are configured to use a local communication channel for communications between said internet protocol security service unit and said management server.” Applicants disagree with the Examiner’s statements on page 7 of the Office Action and the corresponding taking of Official Notice on page 7 of the Office Action. Thus, Applicants request evidence, such as an affidavit, as required by MPEP 2144.03. Absent such support, the rejection of claim 7 under 35 U.S.C. §103(a) should be withdrawn.

Regarding dependent claim 8, the Examiner alleges that Leung at FIG. 4, 412 discloses the following feature: “wherein at least one application device comprises two or more management clients, and wherein at least two of said management clients are configured to use different session key management protocols.” However, at best FIG. 4 discloses the same algorithm 412 being used rather than using “different session key management protocols.”

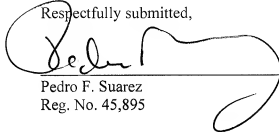
Regarding the motivation to combine, Applicants submit that the Examiner’s proposed combination, which relies on Leung and Yokote would impermissibly change the fundamental principle of operation of Leung and Yokote. The heart of Leung’s disclosure is the use of a centralized repository, while the heart of Yokote’s disclosure is a system to provide synchronization of security associations. Leung at col. 4, lines 65-67; Yokote at Abstract. However, Leung’s system relies on a centralized approach, obviating the need to use Yokote’s synchronization. Thus, plucking a component from Yokote into Leung would require a fundamental change in the principle of operation of the plucked component or yield an inoperative system. In both cases, the Examiner’s combination would be impermissible. See M.P.E.P 2143.03(“[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).” See also *Ex Parte Tofiness*, 2008 WL 4451384 (Bd. Pat. App. & Int 2008) (reversing the Examiner’s section 103 rejection as the proposed combination would yield an inoperative device). Therefore, the rejection of the currently pending claims under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

**CONCLUSION**

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Request for Continued Examination with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 39700-606001US/NC39911US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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Reg. No. 45,895

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